

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X **VIA ECF**

DEBORAH CAPILUPI and JOSE  
VALETTE, individually and on behalf of  
all others similarly situated,

Plaintiff,

- against -

PEOPLE'S UNITED FINANCIAL, INC.,  
and PEOPLE'S UNITED BANK,

Defendants.

Case No.: 15-05247

(JMA) (AYS)

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**STIPULATION AND [PROPOSED] ORDER**

**WHEREAS**, the Parties dispute the proper scope of conditional certification of a collective action pursuant to the Fair Labor Standards Act (FLSA), 29 U.S.C. § 216(b);

**WHEREAS**, the parties have agreed to attempt to resolve this case through private mediation with an experienced and well-respected employment law mediator to be jointly agreed to by the parties, with such mediation to be conducted or before April 15, 2016;

**WHEREAS**, the Parties believe that their resources and the Court's resources would be better served by deferring all discovery, litigation, and Court deadlines until two weeks after the mediation occurs;

**NOW, THEREFORE, IT IS AGREED** as follows:

1. The statute of limitations under the FLSA for all Customer Service Managers employed by Defendants in New York since October 30, 2012 ("New York Collective") is tolled from the date the Court so orders this Stipulation through two weeks after the mediation occurs.

2. All discovery and pending deadlines are stayed through two weeks after the mediation occurs.


3. Plaintiffs' collective action allegations, to the extent they extend beyond the New York Collective, are dismissed, without prejudice as to such individuals' rights but with prejudice as to their reassertion in the instant action.

4. The Parties will engage in private mediation with a mutually agreeable mediator on or before April 15, 2016.

5. Ahead of such mediation, Defendants shall provide a list reflecting all Customer Service Managers employed in New York State from September 10, 2009 until the present, with names redacted, indicating each Customer Service Manager's dates in title and last rate of salary compensation in title.


6. If the Parties are unable to resolve the case through mediation, or if they otherwise determine that their negotiations have reached an impasse, the Parties will notify the Court by joint letter, and confer regarding the appropriate form of notice to the New York Collective based on the instructions and form documents provided by the Court during the December 7, 2015 initial conference.

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behalf of all other counsel*  
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By:   
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Dated: January 8, 2016

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By:   
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Ana C. Shields, Esq.  
Noel P. Tripp, Esq.

Dated: January 8, 2016

SO ORDERED on this \_\_\_\_\_ day of January, 2016

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United States District Judge